

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TIMOTHY B. WILKS,

Plaintiff,

v.

Case No. 15-C-1053

WELCOME ROSE,  
ANTHONY MELI,  
LINDA ALSUM-O'DONOVAN,  
JOHN DAHLKE,  
CRAIG CODA, and  
JAMES MUENCHOW,

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL (DOC. 39)

On February 3, 2017, plaintiff filed a motion for recusal in three of his pending cases on the ground that "failure to adjudicate current motion filings before the court are acts more adversely bias to the outcome of his interests than the prison official defendant parties." (Doc. 39 at 2). Additionally, plaintiff asserts that the longer the court delays adjudication of the parties' motions for summary judgment, the longer he will be "involuntarily compelled to adversely delay initiation of permission State statutory activity seeking newly discovered exculpatory DNA testing evidence of actual innocence for his criminal conviction case." *Id.*

Plaintiff does not explain how a decision in this case, concerning his attempt to find a publisher for books he wrote, could delay his activity in his criminal case. In any event, plaintiff's claims relate exclusively to judicial actions in his pending cases. "Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United*

*States*, 510 U.S. 540, 114 S. Ct. 1147, 1157, 127 L. Ed.2d 474 (1994). In this instance, the parties completed briefing on their dispositive motions on November 7, 2016. A separate order regarding those motions is forthcoming. Therefore,

IT IS ORDERED that plaintiff's motion for recusal (Doc. 39) is DENIED.

Dated at Milwaukee, Wisconsin, this 14<sup>th</sup> day of March, 2017.

BY THE COURT

s/ C. N. Clevert, Jr.  
C. N. CLEVERT, JR.  
U.S. District Judge